

1648
RECEIVED

EXPRESS MAIL NO.: EV335855754US JUN 06 2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE TECH CENTER 1600/2900

Application of: Young, et al.

Confirmation No.: 5866

Application No.: 09/996,288

Group Art Unit: 1648

Filed: November 28, 2001

Examiner: Brown, Stacey S.

For: METHODS OF ADMINISTERING/DOSING ANTI-RSV
ANTIBODIES FOR PROPHYLAXIS AND TREATMENT

Attorney Docket No.: 10271-047

#11.1.1.
Michele
re: EV335855754US
6.10.03**COMMUNICATION REGARDING THE FILING DATE ACCORDED TO THE
RESPONSE TO RESTRICTION REQUIREMENT UNDER 37 C.F.R. § 1.142**Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This communication is respectfully submitted in response to the Postcard Receipt recently received by Applicants' representatives. The Postcard Receipt, a copy of which is attached hereto as Exhibit A, was incorrectly stamped by the United States Patent and Trademark Office ("USPTO") with a date of May 6, 2003. As demonstrated by the facts below, Applicants' representatives timely filed on May 5, 2003 in the USPTO by Express Mail Post Office to Addressee Service a Response to Restriction Requirement Under 37 C.F.R. § 1.142, a Petition For Extension Of Time Under 37 C.F.R. § 1.136(a), and the Postcard Receipt. Accordingly, Applicants respectfully request that the USPTO correct its records to reflect the fact that these documents were timely filed on May 5, 2003.

On March 4, 2003, the USPTO mailed an Office Action in connection with the above-identified application. The time for response was set to expire one (1) month from the date of the Office Action, *i.e.*, on April 4, 2003, extendible under 37 C.F.R. § 1.136(a) to September 4, 2003 if accompanied by a petition for extension of time and the fees set in 37 C.F.R. § 1.17(a). In response to this Office Action, Applicants' representatives timely filed the following documents in the USPTO by Express Mail Post Office to Addressee Service under Express Mail Label No. EV 335855618 US on Monday, May 5, 2003:

- (1) a Response to Restriction Requirement Under 37 C.F.R. § 1.142;
- (2) a Petition For Extension Of Time Under 37 C.F.R. § 1.136(a); and

- (3) a yellow return postcard ("PostCard Receipt"), which on one side had an itemized list of the documents mailed on May 5, 2003, and Express Mail No. EV 335855618 US.

A copy of each of these documents is attached hereto as Exhibit B. In support of the fact that the above-identified documents were deposited with the United States Postal Service on May 5, 2003 using the "Express Mail Post Office to Addressee" service under Express Mail Label No. EV 335855618 US, and thus, in accordance with 37 C.F.R. § 1.10 (a), the above-identified documents were filed in the USPTO on May 5, 2003, attached hereto as Exhibit C is a true copy of Express Mail Label No. EV 335855618 US stamped May 5, 2003 by the United States Postal Service. Accordingly, Applicants respectfully request that the USPTO correct its records to reflect the fact that the above-identified documents were timely filed in the USPTO on May 5, 2003. Further, Applicants respectfully request that this communication and the above-identified documents be entered into the file of this application. The Examiner is invited to contact the undersigned with any questions concerning the foregoing.

It is believed that there is no fee required for filing this communication since this filing arises as a result of an error by the USPTO. However, if payment of a fee is required, please charge the required fee to Pennie & Edmonds LLP Deposit Account No. 16-1150. A copy of this sheet is enclosed for accounting purposes.

Respectfully submitted,

Date: June 3, 2003

Anthony M. Insogna 35,203
Anthony M. Insogna (Reg. No.)

PENNIE & EDMONDS LLP
1155 Avenue of the Americas
New York, New York 10036-2711
(212) 790-9090

By: Jennifer D. Chheda
Reg No. 46,617



EV 335855618 US



Mailing Label
Label 11-F June 2002

UNITED STATES POSTAL SERVICE®

Post Office To Addressee



EV 335855618 US



Post Office To Addressee

Customer Copy
Label 11-F June 2002

ORIGIN (POSTAL USE ONLY)

PO ZIP Code	Day of Delivery	Flat Rate Envelope
Date In	<input type="checkbox"/> 1st <input type="checkbox"/> Second	Postage
Mo. Day Year	<input type="checkbox"/> 12 Noon <input type="checkbox"/> 3 PM	Return Receipt Fee
Time In	Military	
<input type="checkbox"/> AM <input type="checkbox"/> PM	<input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day	
Weight	Int'l Alpha Country Code	COD Fee Insurance Fee
Lbs.	OZS.	
No Delivery	Acceptance Clerk Initials	Total Postage & Fees
<input type="checkbox"/> Weekend <input type="checkbox"/> Holiday		\$

DELIVERY (POSTAL USE ONLY)

Delivery Attempt	Time	Employee Signature
Mo. Day	<input type="checkbox"/> AM <input type="checkbox"/> PM	
Delivery Attempt	Time	Employee Signature
Mo. Day	<input type="checkbox"/> AM <input type="checkbox"/> PM	
Delivery Date	Time	Employee Signature
Mo. Day	<input type="checkbox"/> AM <input type="checkbox"/> PM	

☐ WAIVER OF SIGNATURE (Domestic Only) Additional merchandise insurance is void if waiver of signature is requested. I wish delivery to be made without obtaining signature of addressee or addressee's agent (if delivery employee judges that article can be left in secure location) and I authorize that delivery employee's signature constitutes valid proof of delivery.

NO DELIVERY ☐ Weekend ☐ Holiday Customer Signature

Federal Agency Acct. No. or Postal Service Acct. No.

FROM: (PLEASE PRINT)

PHONE

212 790 2642

PERMITE & EDMONDUS LLP
1155 AVENUE OF THE AMERICAS
FL 17
NEW YORK NY 10036-2720

TO: (PLEASE PRINT)

PHONE

COMMISSIONER FOR PATENTS
PO BOX 1450
ALEXANDRIA VA 22313-1450

PRESS HARD.
You are making 3 copies.

FOR PICKUP OR TRACKING CALL 1-800-222-1811 www.usps.com

